

Recommended Conditions of Approval - Special Development

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval of the Director of Community Development.

A. General Conditions of Approval

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to the expiration date.
3. Reproduce the conditions of approval on the plans submitted for building permits.
4. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing before the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
5. This project must also comply with the Conditions of Approval listed for SDP 2004-0650.
6. Specific deviations allowed with this Special Development Permit include those approved for the Phase I project SDP 2004-0650, including:
 - a. Minimum lot size of 1,050 sq. ft.
 - b. Parcels without public street frontage
 - c. Maximum height of 3 stories and 39 feet as measured from top of curb.
 - d. Average front yard setback of 15 feet.
 - e. Minimum rear yard setback of 12 feet.As well as:
 - f. Reduced distance between buildings (11 instead of 23 feet).
 - g. Front yard setbacks of 10 where 15 feet is required (allowed for Phase I, though calculated differently).
7. Per approval of the Special Development Permit 2004-0650, location of trash enclosures within side yard setbacks.
8. All existing boundary lines and proposed overhead service drops shall be undergrounded from the building to the nearest off-site pole prior to occupancy.

9. Any transformer placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
 - a. All proposed mechanical equipment shall be screened to the height of the equipment in accordance with plans approved by the Director of Community Development.
10. Final exterior building materials and colors are subject to review and approval by the Director of Community Development prior to issuance of a building permit.
 - a. Front facades design shall include a revised vertical element and roof form for the proposed turret.
 - b. Foam accent and trim elements are not permitted on front facades for consistency with other materials and are strongly discouraged for all elevations unless alternative high quality materials are not practicable for use as unique accent or embellishment.
 - c. All exterior architectural details that are included in the residential home plans reviewed by the Planning Commission shall be included in the final building plans for final review and approval.
 - d. Roof materials shall be a minimum of a high quality 50-year warranty dimensional composition shingle noted as Presidential Shake on application exhibit of building materials.
 - e. Trash enclosures shall meet design standards of the Public Works Department for concrete pads, extruded curbs, spacing, and capacity. Exterior materials are to match architectural features of the main buildings.
11. Prior to the issuance of the building permit for site improvements, the developer shall contribute a fair share dollar amount as determined by the Director of Community Development, not to exceed \$1,000 per housing unit, for improvements and enhancements identified in the Fair Oaks/Tasman Pedestrian and Bicycle Circulation Plan for a Morse Avenue LRT sense of place and enhanced Toyama Drive Morse Avenue intersection crossing.
12. Provide for a 23 foot inner and 38 foot outer turning radius on private streets for both Phase I and Phase II development.
13. Install crosswalk improvements for both Toyama and Morse crossings according to pedestrian guidelines, including crosswalk safety features, crosswalk markings/stripping and "bulb-out to narrow the crossing distance.
14. Reduce the number of units by 1 for a total of 16 units for the subject site and a total of 66 units for the total project site.
15. Install street lights at least every 80 feet along the entire frontage of Toyama and Morse for Phase I and Phase II.

16. Comply with Tasman/Fair Oaks Pedestrian Circulation/transit Oriented Development Plan guidelines.
17. Install sidewalks and pedestrian scaled lighting on Morse and Toyama.
18. There is no on-street parking allowed on Morse because of the presence of a bike lane.
19. Install stop signs at driveway exits.
20. Two (2) of the townhomes on the Phase II site will be handicap accessible per the requirements of California State Senate Bill SB1025.
21. The private streets shall be named in accordance with established City street naming protocol.
22. Provide accessible parking as required by the City Code and Building Code.

B. Stormwater

1. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
2. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board and a copy supplied to the City prior to issuance of a Building Permit.
3. Provide a revised Stormwater Management Plan prior to issuance of Building permits that includes the sizing criteria calculations, identifying which treatment tools will be used, and providing for on-site treatment of all stormwater.
4. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit in conformance with 12.60 of the Sunnyvale Municipal Code, including third party certification of the final plan.
 - a. Inlet inserts are not to be included within the design and alternative BMP provided within the final plan, with emphasis on landscaping and infiltration BMPs over mechanical devices.
5. Certified Stormwater plans must be recorded with the property deed. The owner is responsible for maintaining the stormwater BMPs.

C. Landscaping

1. The landscape and irrigation plans shall be submitted to the Director of Community Development identifying location, number, and species of planting as well as a final tree shading plan for approval prior to issuance of a Building Permit. Landscaping shall be planted and the irrigation system installed prior to occupancy. The landscape plan shall include the following elements:
 - a. Provide separate water meters for domestic and irrigation systems.

- b. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - c. All areas not required for parking, driveways or structures shall be landscaped.
 - d. Landscaping shall include a minimum of 70% water wise varieties.
 - e. Of new trees installed, a minimum of 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
 - f. For each mature tree removed, the replacement tree shall be at least a 36-inch box size and of a type specified by the City Arborist.
 - g. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.
 - h. Stormwater management BMPs are to be coordinated with landscape features and species.
 - i. Backflow devices are to be placed in non-obtrusive locations and screened to the extent practicable.
2. Provide a tree protection plan for all existing trees to be retained on site and provide additional protection for significant trees of good health on adjacent properties prior to the issuance of a grading permit. Prior to removal of street trees on Morse Avenue verify with the City Arborist approval for removal and selection of replacement street trees.
 3. Submit a decorative paving plan for the interior street, pathways, and sidewalks indicating details of materials, patterns, and colors for review and approval by the Director of Community Development prior to the issuance of a building permit for site improvements.
 - a. Private Street, pedestrian paths and walkways shall include permeable surfaces to the extent feasible.
 - b. Pedestrian paths and walkways shall include special materials or markings to signify a cross of a vehicular path.
 - c. Amenities within the common square shall include picnic or gathering features such as tables and or benches as indicated on the conceptual plan. Surface improvements shall be permeable and in harmony with the final stormwater plan.
 4. Fencing and/or walls are subject to approval as to design and location by the Director of Community Development.
 - a. Install and maintain a minimum of a 3-foot decorative masonry wall with landscaping to screen the parking area located at the corner of Morse and Toyama. The design shall be approved by the Director of Community Development.
 5. Submit exterior lighting plan, including high efficiency sodium vapor or equivalent fixture type and pole designs, for approval by the Director of Community Development prior to issuance of a Building Permit. Driveway and parking area and pedestrian path lighting shall include the pedestrian scale, style, and height with down lit lighting.

6. A pergola shall be constructed in the large open space common area. The pergola shall be designed to accommodate a gathering of at least 100 people for a meeting-type setting.
7. Replace existing Ash trees along the street frontage with an equal number of "Yarwood" London Plane (to be consistent with Phase I replacement street trees).

D. Parking

1. Parking spaces shall be maintained at all times to allow for the parking of automobiles.
2. No fee shall be charged for parking.
3. Each unit shall be assigned two covered parking spaces in an enclosed garage. All other spaces shall be available for guests or additional resident vehicles.
4. Unenclosed storage of any vehicle longer than 18-feet intended for recreation purposes shall be prohibited on the premises.
5. No unenclosed storage shall be allowed including materials and equipment.

E. Below Market Rate (BMR) Units

1. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
2. Phase II of the project will provide 2 Below Market Rate ownership dwelling units in compliance with SMC 19.66.
3. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
4. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
5. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
6. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)

7. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
8. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
9. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
10. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
11. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
12. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
13. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

F. Homeowners Association (CC&Rs)

1. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the recordation of the final map. The CC&Rs shall include:
 - a. Provisions for short and long term maintenance of the common lot, landscaping areas, recreational areas, parking, driveways, and utility connections.
 - b. The Conditions of Approval of the Special Development Permit.
 - c. All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
 - d. Provisions for a homeowners association.
 - e. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common facilities and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.
 - f. All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&Rs.

- g. The Homeowners Association shall maintain landscaping in perpetuity in the landscape easement area along Morse and Toyama fronting the project site.
- h. The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Provisions in the Subdivision Agreement).
- i. Homeowners are prohibited from modifying drainage facilities and/or flow patterns without first obtaining permission from the City.
- j. There shall be provisions of post construction Best Management Practices in the CC&Rs in regards to the stormwater management.
- k. The CC&Rs should include a disclosure statement on the potential impacts from the adjoining uses. Future homeowners should be notified in advance they are purchasing property adjacent to a future public park and existing operating industrial uses which are associated with noise, pedestrian and vehicle traffic, night lighting, etc.
- l. Include reference to the 2 foot easement in front of garage area to allow for adequate backing distance for neighboring unit across the street.

Recommended Conditions of Approval - Tentative Map

A. Planning Division

- 1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
- 2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
- 3. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
- 4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
- 5. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
- 6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" shall be paid in accordance with MCS 18.10. The Park Dedication Fee rate for the R-3 zoning district shall be determined based on the date of approval of the planning permit.

B. Building Safety Division

- 1. Obtain Grading Permits as required (MCS 16.12.010).
- 2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).

C. Public Works

1. Record a Final Map.
2. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliners (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by the Department of Public Works.
3. Connect to all City utilities or private utilities operating under a City franchise which provides adequate levels of service.
4. Obtain Public Works approval of plans for utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
5. Street frontage improvements require 10-foot sidewalk along Morse Avenue and a 5-7 foot sidewalk along Toyama Avenue in accordance with the Fair Oaks and Tasman Pedestrian and Bicycle Guidelines.
6. Luminaries and street tree grates are to be installed per design standards of the Fair Oaks and Tasman Pedestrian and Bicycle Circulation Plan.
7. Luminaries shall include an internal louver around the bulb or equivalent feature to direct lighting downwards.
8. The on-site drainage and sanitary sewer systems shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter.
9. Installation of the water system shall conform to City standards and shall be part of the City (or franchised utility) system up to the master water meter serving the project. Individual water services and meters shall be provided to each lot as a public system to the individual meters. Meters should be located on sides of buildings or in areas protected from damage by high traffic areas.
10. Construct all public improvements prior to occupancy.
11. Existing and proposed on-site and street frontage electrical, telephone and cable TV services shall be placed underground or removed prior to occupancy (MC 19.46.060).
12. Post labor/material bond and faithful performance bond for the full cost of all off-site public improvements (MCS 12.08.020).
13. Developer shall enter into a Subdivision Agreement and post bonds for all off-site work prior to action on Final Tract Map.
14. Dedicate public utility easements at lot frontages as required by the utility companies.
15. Calculations of water consumption and sanitary sewer discharge will be required during the project design phase and any associated fees or facility improvements provided prior to approval of the final map. Flow monitoring of sanitary sewer system shall be provided prior to approval of the final

- map or as a condition of approval of the development permit at the discretion of the City Engineer.
16. This project is contingent upon recordation of a lot line adjustment, to be recorded just prior to the final map recordation.
 17. A 10' wide PUE along the public street frontage may be required depending upon utility companies' comments.
 18. This project site is identified by the City's preliminary "Wastewater Collection Master Plan", 2002 to have potential sewer capacity issues, therefore, please submit sewer flow monitoring data during plan check process. The City may consider waiver of such sewer flow monitoring data if a sewer discharge impact analysis submitted to the City indicates an insignificant impact to the existing discharge system.
 19. This project requires installation of public sidewalk. The location of the sidewalk should be in consideration of existing mature trees and established pattern in the neighborhood. The streetscape design shall be in compliance with the design guidelines of Pedestrian and Bicycle Circulation Plan for Futures Area 7 where applicable (e.g., decorative streetlights with tree wells and wider sidewalks, etc.). Dedication of public sidewalk easement appears to be needed for the project.
 20. Curb ramp is required at the intersection of Morse and Toyama.
 21. The conceptual utility plan and grading/drainage plans are subject to City's review and approval during the plan check process. Any deficient existing public improvements shall be upgraded to current City standards.
 22. No permanent structures (e.g., stairways, trash enclosures) shall be installed within any easement areas. Please incorporate trash enclosure being in the easement area in the CC&Rs.
 23. Calculations of water consumption and sanitary sewer discharge will be required during the project design phase. The developer is responsible for all changes or modifications to the public utilities caused by the development.
 24. This project is subject to certain Public Works development impact fees.
 25. Contact utility companies for their review/approval requirements and/or procedures.
 26. This project is required to underground existing overhead facilities (if any).
 27. This project shall comply with all standard PW/Engineering conditions of approval for subdivisions (available upon request)

D. Fire Prevention

1. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site (MC 16.52.170).

2. Fire access roads with a minimum width of 20 feet and a minimum inside turning radius of 30 feet (MC 15.52.190); however, this requirement is superceded by the more intensive solid waste vehicle requirements.

E. Other Public Agencies

1. Pay School Tax fees prior to issuance of a Building Permit.
-